IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 36311 of 2005(W)

CMA.19/2005 of SUB COURT, TIRUR
OS.70/2005 of M.C.,PARAPPANANGADI
.....

PETITIONER:

OLIYIL PORUKUTTY, S/O.YAHU HAJI,
RAYIRAMANGALAM AMSOM DESOM,
TIRUR TALUK.

BY ADV. SRI.K.RAMACHANDRAN
SRI.MOHAMMED FAIZAL NAHA

RESPONDENTS:
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1. PALERI LATHEEF,
S/O.KUNHIMOOSA, RAYIRAMANGALAM AMSOM DESOM,
P.O.TANUR, MALAPPURAM DISTRICT.

2. C.P.ABOOBACKER, S/O.C.M.THAREEKUTTY,
CHUNDAMVEETTIL PUTYIYA NALAKATH,
DO. DO.

3. O.P.IBRAHIM, S/O.SAIDALI,
RESIDING AT RAYIRIMANGALAM AMSOM DESOM,
IN TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 36311 OF 2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE ORDER DT.07.06.05 IN IA 506/05 IN OS NO.70/05 BY THE MUNSIFF'S COURT, PARAPPANANGADI.

EXT.P2 : TRUE COPY OF THE JUDGMENT OF THE SUB COURT, TIRUR DT.21ST DECEMBER,2005 IN CMA 19/05.

/TRUE COPY/

PA TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) No. 36311 OF 2005

Dated this the 9th day of August, 2007

JUDGMENT

Heard both sides. Having regard to the rival submissions made at the Bar, I am of the view that this Writ Petition itself can be disposed of issuing the following directions:

As regards the compound wall in question, the parties will maintain the status quo obtaining as on today till the suit is disposed of. The learned Munsiff will try and dispose of the suit in accordance with law and on the basis of the evidence which comes on record at trial, at the earliest and at any rate within four months of receiving copy of this judgment. The learned Munsiff will not be influenced unduly by the findings in the impugned orders while taking decision in the suit.

PIUS C. KURIAKOSE, JUDGE

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